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# MONTANA HISTORICAL SOCIETY

## HISTORIC PRESERVATION OFFICE

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COPY

Wednesday, September 13, 2000

PAUL PERONARD  
US EPA  
EPR-SA  
999 18<sup>th</sup> STREET SUITE 500  
DENVER CO 80202

RE: LIBBY SCREENING PLANT, 24LN1045

Dear Mr. Peronard:

Thank you for coming by on 8/3/2000 and discussing the Libby clean up project with us. I felt that we had made progress in understanding each other's concerns and integrating your action in the National Historic Preservation Act consultation process as implemented under 36CFR800. At that time I understood that a commitment was made by EPA to formally consult with the Salish-Kootenai and the ACHP regarding the proposed data recovery and a Memorandum of Agreement addressing Adverse Effects to 24LN1045.

Unfortunately, it now appears that data recovery proceeded without a MOA (and perhaps without EPA consultation with the tribes or the ACHP). We continue to believe that this action is an undertaking under the 36 CFR 800 regulations. We know of nothing in CERCLA or elsewhere that relieves EPA of its Section 106 NHPA responsibilities.

EPA actions at 24LN1045 proceeded EPA completion of requirements under 36 CFR 800 and Section 106 of the NHPA. We request a response to this concern.

Sincerely,

Stan Wilmoth, Ph.D.  
State Archaeologist/Deputy SHPO

CC: Marcia Cross/CSKT THPO  
Alan Stanfill/ACHP  
Doug Skie/EPA

File: EPA Libby 2000

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